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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

920476-904967

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on November 13, 2005

Signature

Minnie Wilson

Typed or printed name

Minnie Wilson

Application Number

09/991,386

Filed

11/13/2001

First Named Inventor

Philip J. Christian

Art Unit

2152

Examiner

Victor D. Lesniewski

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 26,935☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

William M. Lee, Jr.  
SignatureWilliam M. Lee, Jr.

Typed or printed name

312-214-4800

Telephone number

November 14, 2005

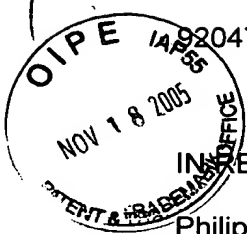
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒\*Total of 1 forms are submitted.

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~~920476-904967~~

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE THE APPLICATION OF

Philip J. Christian

SERIAL NO. 09/991,386

FILED: November 13, 2001

FOR: Allocating Internet Protocol (IP) Addresses  
to Nodes in Communications Networks  
Which Use Integrated IS-IS

) Examiner: Victor D. Lesniewski

) Group Art Unit No. 2152

) Customer No. 23644

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Name of person signing Minnie Wilson

Signature Minnie Wilson

**SUCCINCT STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Honorable Director of Patents and Trademarks  
P.O. Box 1450,  
Alexandria VA 22313-1450

Dear Sir:

As required under the Pilot Program initiated July 12, 2005, following is the Applicants' statement in support of the Appeal Brief Conference for this application:

The Appellants' invention relates to allocating Internet Protocol (IP) addresses to nodes in an Intermediate System to Intermediate System (IS-IS) network. IS-IS nodes use ISO addresses. Conventionally, IS-IS nodes are not allocated IP addresses. As discussed in the background section of the present application, they may be closely associated with or integrated with IP routers which are allocated IP addresses. Thus, there is no need to allocate IP addresses to IS-IS nodes for routing purposes. However, the present inventors realized that allocation of a unique IP address to IS-IS nodes is still useful - not for routing purposes, but for management purposes. For example, a

unique IP address allows for IP-based network management applications to be re-used for IS-IS management as well.

The Examiner has maintained the rejection of all pending claims as being obvious under 35 USC §103(a) over Rekhter (US Patent Number 5,917,820) in view of Wong (US Patent Number 6,073,178). Appellants firmly disagree.

Wong is perhaps the “closest” prior art reference in that it relates to allocating IP addresses in a conventional IP network. However, Wong is specifically concerned with the problem of security in IP networks in particular since IP addresses can easily be forged. To address this problem, Wong teaches use of a “trusted identifier” which is an “unforgeable object” and which is sent with a discovery message used by IP routers on start-up to obtain an IP address from an allocating server. This ensures a relationship of trust.

The present invention, as claimed in claim 1, is directed to a “method of automatically allocating a unique IP address to a first node in an IS-IS communications network” and contains steps which are each specific to the first node – ie to an IS-IS node. However, Wong makes no mention of IS-IS nodes or networks. Nor does Wong seek to address the problems of the present invention. The objective (improving IP security) and specific teachings (use of trusted identifiers) of Wong are quite irrelevant to those of the present invention. It seems that Wong is simply being used as a reference to demonstrate that IP address allocation was known in IP networks. This is accepted by the Appellants and indeed described in the background section of the present application.

Turning to consider Rekhter, the most striking observation is that it is not at all concerned with address allocation, let alone IP address allocation. Rekhter is concerned with an efficient packet forwarding arrangement. In other words Rekhter is concerned with transportation of data packets, not with allocation of node addresses. Rekhter teaches next hop computation using locally-unique (and therefore shorter) tags

which are advertised independently of the network layer protocols (eg IP protocol) which use global (and therefore longer) addresses (eg IP addresses). Rekhter discusses the IS-IS routing protocol at column 11 line 59 to column 12 line 3. However, this is merely as a matter of background. IS-IS routing is discussed as an example of a link state routing protocol along with OSPF. The specific packet forwarding arrangement taught by Rekhter uses local tags, not ISO or IP addresses for routing. Accordingly, it seems to the Appellants that Rekhter is totally irrelevant to the present invention. It is simply being used because it happens to contain the words "IS-IS".

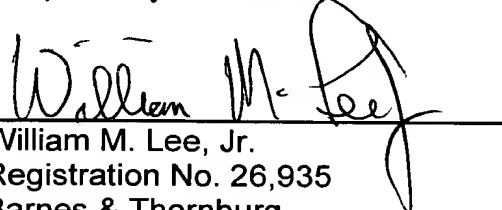
The previous Examiner has stated that Rekhter and Wong are analogous art and that the motivation to combine these references is that it "satisfies the need for greater reliability of IP addresses in packet routing systems" (see paragraph 11 of the Office Action dated July 15, 2005). Appellants disagree. Wong is in the field of IP address allocation in IP networks (which in itself is wholly conventional) and Rekhter is in the field of efficient packet forwarding. These are not analogous and one skilled in the art would not be expected to have such an encyclopaedic knowledge as to know of all prior art in both such fields. Furthermore, the alleged motivation to combine Wong with Rekhter is entirely irrelevant to the teachings of Rekhter and indeed to the present invention. Additionally, Appellants can see no reasonable expectation of success in attempting to combine an IP address allocation scheme with improved security (Wong) with an arrangement for efficient packet forwarding (Rekhter). Appellants find it hard to even hypothesize what expectations one skilled in the art would have were he to envisage such a combinations (which is strongly denied).

In summary, Applicants believe that the Examiner has exercised impermissible hindsight reasoning by combining clearly non-analogous references, without any reasonable suggestion or motivation in the art nor any reasonable expectation of success, using the claims of the present application as a template. The references cited seem to have been selected more for the appearance of "search keywords" than to any relevance to the present invention.

It is therefore submitted that the Examiner's rejections of the claims of this application are untenable, and were this application to proceed to the Board of Appeals Interferences, the Examiner would clearly be reversed. The results of this review are therefore awaited.

November 14, 2005

Respectfully submitted,

  
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